

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Daniel MONGET et al.

Serial Number: New Patent Application

Filed: June 1, 2001

For: METHOD FOR DETECTING MICRO-ORGANISMS
AND SUPPORT USED IN SAID METHOD

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

June 1, 2001

Please amend this application, prior to calculation of the filing fee, as follows:

IN THE SPECIFICATION:

Page 1, between the title and the first heading, please insert the following:

This application is a continuation of International application PCT/FR99/03003, filed December 3, 1999 and published on June 15, 2000 in the French Language.

IN THE CLAIMS:

Please cancel claims 1-11 without prejudice or disclaimer.

Please add new claims 12-26 as follows:

12. (New) A method for detecting the presence in a sample, contained in a sterile receptacle, of at least one anaerobic microorganism, the sample being in contact with a culture medium, comprising:

- adding into the receptacle at least one sterile, inert, solid support,
- incubating at a suitable temperature, and
- observing the variation in at least one characteristic related to the presence of the microorganism(s) to be detected in said receptacle.

13. (New) The method of claim 12, wherein said solid support is added to said receptacle in such a quantity as to obtain a layer of material having a surface area approximately equivalent to that of an interface between the sample and a gaseous atmosphere in the receptacle.

14. (New) The method of claim 12, wherein said characteristic comprises a variation in at least one chemical indicator added into the receptacle before incubation and/or a variation in at least one physicochemical or electrical parameter.

15. (New) The method of claim 14, wherein said chemical indicator comprises a colored or fluorescent indicator.

16. (New) The method of claim 14, wherein said physicochemical or electrical parameter is at least one member selected from the group

consisting of CO₂ production, pressure, turbidity, oxidation/reduction potential and pH.

17. (New) The method of claim 12, wherein said sample is a biological sample selected from the group consisting of blood, cerebrospinal fluid, pleural fluid and urine, or said sample is a non-biological sample selected from the group consisting of water, food products, and pharmaceutical products.

18. (New) The method of claim 12, wherein said receptacle has transparent walls, and said variation is observed optically through all or part of at least one of said walls.

19. (New) The method of claim 16, wherein change in said physicochemical or electrical parameter is detected by at least one physicochemical or electrical sensor.

20. (New) The method of claim 12, wherein said sterile, inert, solid support is made of a natural material.

21. (New) The method of claim 20, wherein said natural material is at least one member selected from the group consisting of silica beads, glass beads, quartz particles, grains of sand, vermiculite,

zeolite, feldspar particles, glass wool, rock wool, clay beads, and cork fragments.

22. (New) The method of claim 12, wherein said sterile, inert, solid support is made of an artificial material.

23. (New) The method of claim 22, wherein said artificial material is at least one member selected from the group consisting of polystyrene beads, polyethylene beads, polypropylene beads, clusters of small polyethylene beads, with variable pore size and dimensions, growth supports in the form of small beads used in tissue culture, latex beads, gelatin-coated beads, and resin beads.

24. (New) The method of claim 12, wherein the sterile, inert, solid support comprises an element of any shape made of polyethylene.

25. (New) The method of claim 12, wherein the support consists of beads or particles having a diameter of between 1 μm and 10 mm.

26. (New) The method of claim 25, wherein said diameter is between 0.1 mm and 5 mm.

New Patent Appln. (Daniel MONGET et al.)
PRELIMINARY AMENDMENT

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IN THE ABSTRACT:

Please replace the original Abstract with the attached substitute Abstract.

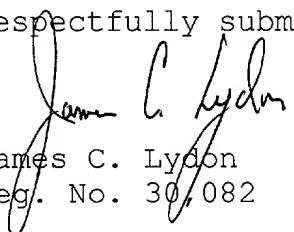
REMARKS

This Preliminary Amendment cancels claims 1-11, adds new claims 12-26, inserts a reference to parent application PCT/FR99/003003 into the specification pursuant to 37 C.F.R. § 1.78, and replaces the original abstract with a substitute abstract. New claims 12-26 generally correspond to claims 1-5 and 8-11. A version with markings to show changes made is attached as an Appendix. Claims 12-26 are pending.

An Information Disclosure Statement and a Recordation Form Cover Sheet are attached.

It is not believed that any fee is required for entry and consideration of this Preliminary Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,


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Enclosures:

Appendix
Abstract of the Disclosure
Information Disclosure Statement

APPENDIX

Version With Markings to Show Changes Made

IN THE SPECIFICATION:

The paragraph inserted between the title and the first heading on page 1 is new.

IN THE CLAIMS:

Claims 1-11 have been canceled.

Claims 12-26 are new.

IN THE ABSTRACT:

The Substitute Abstract is new.

ABSTRACT OF THE DISCLOSURE

A method for detecting the presence in a sample, contained in a sterile receptacle, of at least one micro-organism, whatever its breathing metabolism (aerobic or anaerobic), the sample being in contact with a culture medium. The method includes adding 5 into the receptacle at least a solid inert sterile support, incubating at a suitable temperature; and observing the variation in at least one characteristic related to the presence of the micro-organism(s) to be detected in the receptacle. The method is particularly applicable in the field of diagnosis. Also disclosed is a support used in the method.